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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,303	10/29/2001	James H. Stephens JR.	263550US8	1293
22850	7590	10/07/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER SHAW, PELING ANDY	
			ART UNIT 2444	PAPER NUMBER
			NOTIFICATION DATE 10/07/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10045303	10/29/2001	STEPHENS, JAMES H.	263550US8

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

## EXAMINER

PELING A. SHAW

ART UNIT	PAPER
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2444 20090930

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

## Commissioner for Patents

1. As per Board's Order Returing Uncoketed Appeal to Examiner issued on 09/19/2009, both Examiner's Answer mailed on 03/05/2009 and Appeal Brief Filed on 11/26/2008 with respect to the Office Action mailed on 05/12/2008 are defective.
2. The status of claim 3, 7-10, 15, and 17-19 rejections under 35 USC § 103(a) needs to be stated clearly in sections of Grounds of Rejections to be Reviewed on Appeal and Grounds of Rejection in the Examiner's Answer and in the section of Grounds of Rejections to be Reviewed on Appeal in the Appeal Brief Filed, e.g. claim 3, 7-10, 15, and 17-19 rejections under 35 USC § 103(a) will stand or fall with the decision on the Appeal of claim 1, 5-6, 11-13, 16 and 20 rejections under 35 USC § 103(a).
3. Since applicant did mention claim 3, 7-10, 15 and 17-19 rejections under 35 USC § 103(a) in section 3, Status of the Claims of the Appeal Brief Filed and in section VI and VII applicant appeals and argues only on claim 1, 11 and 20 rejections under USC § 103(a). It is clear that applicant intends to have other claims rejections fall or stand with the decision on the appeal of claim 1, 11 and 20 rejections.
4. Applicant is notified of the above analysis.

/Peling A Shaw/  
Examiner, Art Unit 2444